

In accordance with Maricopa County Air Pollution Control Rules and Regulations (Rules), Rule 210 § 302.2, all Conditions of this Permit are federally enforceable unless they are identified as being locally enforceable only. However, any Permit Condition identified as locally enforceable only will become federally enforceable if, during the term of this Permit, the underlying requirement becomes a requirement of the Clean Air Act (CAA) or any of the CAA's applicable requirements.

All federally enforceable terms and conditions of this Permit are enforceable by the Administrator of the United States Environmental Protection Agency (Administrator or Administrator of the USEPA hereafter) and citizens under the CAA.

Any cited regulatory paragraphs or section numbers refer to the version of the regulation that was in effect on the first date of public notice of the applicable Permit Condition unless specified otherwise.

#### **GENERAL CONDITIONS:**

**1. AIR POLLUTION PROHIBITED:** [County Rule 100 §301] [SIP Rule 3]

The Permittee shall not discharge from any source whatever into the atmosphere regulated air pollutants which exceed in quantity or concentration that specified and allowed in the County or State Implementation Plan (SIP) Rules, the Arizona Administrative Code (AAC) or the Arizona Revised Statutes (ARS), or which cause damage to property or unreasonably interfere with the comfortable enjoyment of life or property of a substantial part of a community, or obscure visibility, or which in any way degrade the quality of the ambient air below the standards established by the Maricopa County Board of Supervisors or the Director of the Arizona Department of Environmental Quality (ADEQ).

**2. CIRCUMVENTION:** [County Rule 100 §104] [40 CFR 60.12] [40 CFR 63.4(b)]

The Permittee shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of regulated air pollutants to the atmosphere, conceals or dilutes an emission which would otherwise constitute a violation of this Permit or any Rule or any emission limitation or standard. The Permittee shall not circumvent the requirements concerning dilution of regulated air pollutants by using more emission openings than is considered normal practice by the industry or activity in question.

**3. CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS:**

[County Rule 100 §401] [County Rule 210 §§301.7, 302.1e(1), 305.1c(1) & 305.1e]

Any application form, report, or compliance certification submitted under the County Rules or these Permit Conditions shall contain certification by a responsible official of truth, accuracy, and completeness of the application form or report as of the time of submittal. This certification and any other certification required under the County Rules or these Permit Conditions shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**4. COMPLIANCE:**

**A. COMPLIANCE REQUIRED:**

- 1) The Permittee must comply with all conditions of this permit and with all applicable requirements of Arizona air quality statutes and the air quality rules.

Compliance with permit terms and conditions does not relieve, modify, or otherwise affect the Permittee's duty to comply with all applicable requirements of Arizona air quality statutes and the Maricopa County Air Pollution Control Regulations. Any permit non-compliance is grounds for enforcement action; for a permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. Noncompliance with any federally enforceable requirement in this Permit constitutes a violation of the Act. [This Condition is federally enforceable if the condition or requirement itself is federally enforceable and only locally enforceable if the condition or requirement itself is locally enforceable only]

[County Rule 210 §§301.8b(4) & 302.1h(1)]

- 2) The Permittee shall halt or reduce the permitted activity in order to maintain compliance with applicable requirements of Federal laws, Arizona laws, the County Rules, or other conditions of this Permit.

[County Rule 210 §302.1h(2)]

- 3) For any major source operating in a nonattainment area for any pollutant(s) for which the source is classified as a major source, the source shall comply with reasonably available control technology (RACT) as defined in County Rule 100.

[County Rule 210 §302.1(h)(6)] [SIP Rule 220 §302.1]

Compliance with the RACT requirements of this Permit Condition for nitrogen oxides (NO<sub>x</sub>) shall not be required if a waiver granted by the Administrator under Section 182 (f) of the Clean Air Act is in effect.

**B. COMPLIANCE CERTIFICATION REQUIREMENTS:**

[County Rule 210 §305.1d]

The Permittee shall file a semiannual compliance certification with the Control Officer and also with the Administrator of the USEPA. The report shall certify compliance with the terms and conditions contained in this Permit, including emission limitations, standards, or work practices. The certification shall be on a form supplied or approved by the Control Officer and shall include each of the following:

- 1) The identification of each term or condition of the permit that is the basis of the certification;
- 2) The compliance status;
- 3) Whether compliance was continuous or intermittent;
- 4) The method(s) used for determining the compliance status of the source, currently and over the reporting period; and
- 5) Other facts as the Control Officer may require to determine the compliance status of the source.

The semiannual certification shall be filed at the same time as the semiannual monitoring report required by the Specific Condition section of these Permit Conditions.

**C. COMPLIANCE PLAN:**

[County Rule 210 §305.1g]

Based on the certified information contained in the application for this Permit, the facility is in compliance with all applicable requirements in effect as of the release date of the proposed conditions for this Permit. The Permittee shall continue to comply with all applicable requirements and shall meet any applicable requirements that may

become effective during the term of this permit on a timely basis. [This Condition is federally enforceable if the applicable requirement itself is federally enforceable and only locally enforceable if the applicable requirement itself is locally enforceable only]

**5. CONFIDENTIALITY CLAIMS:** [County Rule 100 §402] [County Rule 200 §411]

Any records, reports or information obtained from the Permittee under the County Rules or this Permit shall be available to the public, unless the Permittee files a claim of confidentiality in accordance with ARS §49-487(c) which:

- A. precisely identifies the information in the permit(s), records, or reports which is considered confidential, and
  - B. provides sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets or, if applicable, how the information, if disclosed, could cause substantial harm to the person's competitive position.
- The claim of confidentiality is subject to the determination by the Control Officer as to whether the claim satisfies the claim for trade secrets.

A claim of confidentiality shall not excuse the Permittee from providing any and all information required or requested by the Control Officer and shall not be a defense for failure to provide such information.

If the Permittee submits information with an application under a claim of confidentiality pursuant to ARS 49-487 and County Rule 200, the Permittee shall submit a copy of such information directly to the Administrator of the USEPA.

[County Rule 210 §301.5]

**6. CONTINGENT REQUIREMENTS:**

*NOTE: This Permit Condition covers activities and processes addressed by the CAA which may or may not be present at the facility. This condition is intended to meet the requirements of both Section 504(a) of the 1990 Amendments to the CAA, which requires that Title V permits contain conditions necessary to assure compliance with applicable requirements of the Act as well as the Acid Rain provisions required to be in all Title V permits.*

**A. ACID RAIN:**

[County Rule 210 §§302.1b(2) & 302.1f] [County Rule 371 §301]

- 1). Where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated pursuant to Title IV of the CAA and incorporated pursuant to County Rule 371, both provisions shall be incorporated into this Permit and shall be enforceable by the Administrator.
- 2) The Permittee shall not allow emissions exceeding any allowances that the source lawfully holds pursuant to Title IV of the CAA or the regulations promulgated thereunder and incorporated pursuant to County Rule 371.
  - a) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program and incorporated pursuant to County Rule 371, provided that such increases do not require a permit revision pursuant to any other applicable requirement.

- b) No limit is placed on the number of allowances held by the Permittee. The Permittee may not, however, use allowances as a defense to non-compliance with any other applicable requirement.
- c) Any such allowance shall be accounted for according to the procedures established in regulations promulgated pursuant to Title IV of the CAA.
- d) All of the following prohibitions apply to any unit subject to the provisions of Title IV of the CAA and incorporated into this Permit pursuant to County Rule 371:
  - (1) Annual emissions of sulfur dioxide in excess of the number of allowances to emit sulfur dioxide held by the owners or operators of the unit or the designated representative of the owners or operators.
  - (2) Exceedances of applicable emission rates.
  - (3) The use of any allowance prior to the year for which it was allocated.
  - (4) Violation of any other provision of the permit.

**B. ASBESTOS:**

[40 CFR 61, Subpart M] [County Rule 370 §301.8 - locally enforceable only]

The Permittee shall comply with the applicable requirements of Sections 61.145 through 61.147 and 61.150 of the National Emission Standard for Asbestos and County Rule 370 for all demolition and renovation projects.

**C. RISK MANAGEMENT PLAN (RMP):**

[40 CFR 68]

Should this stationary source, as defined in 40 CFR 68.3, be subject to the accidental release prevention regulations in 40 CFR Part 68, then the Permittee shall submit an RMP by the date specified in 40 CFR Section 68.10 and shall certify compliance with the requirements of 40 CFR Part 68 as part of the annual compliance certification as required by 40 CFR Part 70. However, neither the RMP nor modifications to the RMP shall be considered to be a part of this Permit.

**D. STRATOSPHERIC OZONE PROTECTION:**

[40 CFR 82 Subparts E, F, and G]

If applicable, the Permittee shall follow the requirements of 40 CFR 82.106 through 82.124 with respect to the labeling of products using ozone depleting substances.

If applicable, the Permittee shall comply with all of the following requirements with respect to recycling and emissions reductions:

- 1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.
- 2) Equipment used during maintenance, service, repair, or disposal of appliances must meet the standards for recycling and recovery equipment in accordance with 40 CFR 82.158.
- 3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by a certified technician pursuant to 40 CFR 82.161.

If applicable, the Permittee shall follow the requirements of 40CFR Subpart G, including all Appendices, with respect to the safe alternatives policy on the acceptability of substitutes for ozone-depleting compounds.

**7. DUTY TO SUPPLEMENT OR CORRECT APPLICATION:** [County Rule 210 §301.6]

If the Permittee fails to submit any relevant facts or has submitted incorrect information in a permit application, the Permittee shall, upon becoming aware of such failure or incorrect

submittal, promptly submit such supplementary facts or corrected information. In addition, the Permittee shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.

- 8. EMERGENCY EPISODES:** [County Rule 600 §302] [SIP Rule 72.A.5. e, f & g]  
If an air pollution alert, warning, or emergency has been declared, the Permittee shall comply with any applicable requirements of County Rule 600 §302.

- 9. EMERGENCY PROVISIONS:** [County Rule 130 §§201 & 402]  
An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, that require immediate corrective action to restore normal operation, and that cause the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

An emergency constitutes an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the requirements of this Permit Condition are met.

The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. An emergency occurred and that the Permittee can identify the cause or causes of the emergency;
- B. At the time of the emergency, the permitted source was being properly operated;
- C. During the period of the emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in this permit; and
- D. The Permittee as soon as possible telephoned the Control Officer, giving notice of the emergency, and submitted notice of the emergency to the Control Officer by certified mail, facsimile, or hand delivery within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of County Rule 210. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.

This provision is in addition to any emergency or upset provision contained in any applicable requirement.

- 10. EXCESS EMISSIONS:** [County Rule 140 §§401 & 402] [locally enforceable only]  
*NOTE: This Permit Condition is based on a County Rule which has not been adopted into the State Implementation Plan and is therefore applicable only at the County level.*

*There are reporting requirements associated with excess emissions. These requirements are contained in the Reporting section of the General Permit Conditions in a subparagraph called Excess Emissions. The definition of excess emissions can be found in County Rule 100 §200.*

- A. Emissions in excess of an applicable emission limitation contained in the Rules or in these Permit Conditions shall constitute a violation. For all situations that constitute an emergency as described in County Rule 130 §201, the requirements contained in County Rule 130 shall apply. In all other circumstances, it shall be an affirmative defense if the Permittee has complied with the reporting requirements of County Rule 140 §500 and these Permit Conditions in a timely manner and has demonstrated all of the following:
- 1) The excess emissions resulted from a sudden and unavoidable breakdown of the process equipment or the air pollution control equipment, resulted from unavoidable conditions during startup or shutdown, resulted from unavoidable conditions during an upset of operations, or greater or more extended excess emissions would result unless scheduled maintenance is performed;
  - 2) The source's air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
  - 3) Where repairs were required, such repairs were made in an expeditious fashion when the applicable emission limitations were being exceeded and off-shift labor and overtime were utilized where practical to insure that such repairs were made as expeditiously as possible. If off-shift labor and overtime were not utilized, the Permittee satisfactorily demonstrated that such measures were impractical;
  - 4) The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
  - 5) All reasonable steps were taken to minimize the impact of the excess emissions on potential violations of ambient air quality standards;
  - 6) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and
  - 7) During the period of excess emissions, there were no measured violations of the ambient air quality standards established in County Rule 510 which could be attributed to the emitting source.
- B. It shall be the burden of the Permittee to demonstrate, through submission of the data and information required by this Permit Condition that all reasonable and practicable measures within the Permittee's control were implemented to prevent the occurrence of excess emissions.

- 11. FEES:** [County Rule 200 §409] [County Rule 210 §§302.1i & 401]  
The Permittee shall pay fees to the Control Officer pursuant to ARS 49-480(D) and County Rule 280.
- 12. MODELING:** [County Rule 200 §407] [locally enforceable only]  
Where the Control Officer requires the Permittee to perform air quality impact modeling, the Permittee shall perform the modeling in a manner consistent with the "Guideline on Air Quality Models (Revised)" (EPA-450/2-78-027R, U.S. Environmental Protection Agency,

Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, July 1986) and "Supplement B to the Guideline on Air Quality Models" (U.S. Environmental Protection Agency, September 1990). Both documents shall be referred to hereinafter as "Guideline", and are adopted by reference. Where the person can demonstrate that an air quality impact model specified in the guideline is inappropriate, the model may be modified or another model substituted if found to be acceptable to the Control Officer.

**13. MONITORING / TESTING:**

- A. The Permittee shall monitor, sample, or perform other studies to quantify emissions of regulated air pollutants or levels of air pollution that may reasonably be attributable to the facility if required to do so by the Control Officer, either by Permit or by order in accordance with County Rule 200 §309.

[County Rule 200 §309] [SIP Rule 41]

- B. Except as otherwise specified in these Permit Conditions or by the Control Officer, the Permittee shall conduct required testing used to determine compliance with standards or permit conditions established pursuant to the County or SIP Rules or these Permit Conditions in accordance with County Rule 270 and the applicable testing procedures contained in the Arizona Testing Manual for Air Pollutant Emissions or other approved USEPA test methods.

[County Rule 200 §408] [County Rule 270 §§300 & 400] [SIP Rule 27]

- C. The Permittee may use equivalent test methods and procedures in lieu of those described in this paragraph if approved by the Control Officer.

[County Rule 270 §402]

- D. The owner or operator of a permitted source shall provide, or cause to be provided, performance testing facilities as follows:

- 1) Sampling ports adequate for test methods applicable to such source.
- 2) Safe sampling platform(s).
- 3) Safe access to sampling platforms(s).
- 4) Utilities for sampling and testing equipment.

[County Rule 270 §405] [SIP Rule 42]

**14. PERMITS:**

- A. BASIC: [County Rule 210 §302.1h(3)]

This Permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any Permit Condition.

- B. DUST CONTROL PLAN REQUIREMENTS:

- 1) The following describe the permit applications with which a Dust Control Plan must be submitted. *(NOTE: If the Permittee engages in or allows any routine dust generating activities at the facility, the Permittee shall apply to have the routine dust generating activity covered as part of this Permit. Nonroutine activities, such as construction and revegetation, require a separate Earthmoving Permit that must be obtained from the Control Officer before the activity may begin.)*

- a) If the Permittee is required to obtain an Earthmoving Permit under Regulation II (Permits And Fees) of the County Rules, then the Permittee must first submit a Dust Control Plan and obtain the Control Officer's approval of the Dust Control Plan before commencing any dust generating operation.
- b) The Permittee must first submit a Dust Control Plan and obtain the Control Officer's approval of the Dust Control Plan before commencing any routine dust generating operation.  
[County Rule 310 §303.3] [SIP Rule 310 §303.3]
- 2) A Dust Control Plan shall not be required to play on a ballfield and/or for landscape maintenance. For the purpose of this Permit Condition, landscape maintenance does not include grading, trenching, nor any other mechanized surface disturbing activities.  
[County Rule 200 §305] [County Rule 310 §303.4] [SIP Rule 310 §303.4]
- 3) Any Dust Control Plan shall, at a minimum, contain all the information described in Section 304 of Rule 310.  
[County Rule 310 §304] [SIP Rule 310 §304]
- 4) Compliance with this section does not effect a source's responsibility to comply with the other standards of Rule 310 and these Permit Conditions. Failure to comply with the provisions of an approved Dust Control Plan or the work practice standards contained in Rule 310 §308 is deemed to be a violation of this Permit. Regardless of whether an approved Dust Control Plan is in place or not, the Permittee is still subject to all requirements of Rule 310 at all times. In addition, if the Permittee has an approved Dust Control Plan, the Permittee is still subject to all of the requirements of Rule 310, even if the Permittee is complying with the approved Dust Control Plan.  
[County Rule 310 §303] [SIP Rule 310 §303]
- 5) The Permittee shall make revisions to any required Dust Control Plan when notified in writing by the Control Officer that implementation of the existing dust control plan allowed an exceedance of the standards established in Rule 310 §§301 or 302. The revised Dust Control Plan shall be submitted to the Control Officer within 3 working days of receiving the notice. During the time when the Dust Control Plan is being revised, the Permittee must still comply with the requirements of this Permit and Rule 310.  
[County Rule 310 §305] [SIP Rule 310 §305]

C. PERMITS AND PERMIT CHANGES, AMENDMENTS AND REVISIONS:

[County Rule 200 §§301 & 308] [County Rule 210 §§301.4a, b, c, & 400]

- 1) The Permittee shall comply with the Administrative Requirements of Section 400 of County Rule 210 for all changes, amendments and revisions at the facility for any source subject to regulation under County Rule 200, shall comply with all required time frames, and shall obtain any required preapproval from the Control Officer before making changes. All applications shall be filed in the manner and form prescribed by the Control Officer. The application shall contain all the information necessary to enable the Control Officer to make the determination to grant or to deny a permit or permit revision including information listed in County Rule 200 §308 and County Rule 210 §§301 & 302.3.

- 2) The Permittee shall supply a complete copy of each application for a permit, a minor permit revision, or a significant permit revision directly to the Administrator of the USEPA. The Control Officer may require the application information to be submitted in a computer-readable format compatible with the Administrator's national database management system.

[County Rule 210 §§303.1a, 303.2, 405.4, & 406.4]

- 3) While processing an application, the Control Officer may require the applicant to provide additional information and may set a reasonable deadline for a response.

[County Rule 210 §301.4f]

- 4) No permit revision shall be required pursuant to any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

[County Rule 210 §302.1j]

D. POSTING:

- 1) The Permittee shall keep a complete permit clearly visible and accessible on the site where the equipment is installed.

[County Rule 200 §311] [SIP Rule 22F]

- 2) If a Dust Control Plan, as required by Rule 310, has been approved by the Control Officer, the Permittee shall post a copy of the approved Dust Control Plan in a conspicuous location at the work site, within on-site equipment, or in an on-site vehicle, or shall otherwise keep a copy of the Dust Control Plan available on site at all times.

[County Rule 310 §401] [SIP Rule 310 §401]

E. PROHIBITION ON PERMIT MODIFICATION:

[County Rule 200 §310]

The Permittee shall not willfully deface, alter, forge, counterfeit, or falsify this permit.

F. RENEWAL:

[County Rule 210 §§301 & 302]

- 1) The Permittee shall submit an application for the renewal of this Permit in a timely and complete manner. For purposes of permit renewal, a timely application is one that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration. A complete application shall contain all of the information required by the County Rules including Rule 200 §308 and Rule 210 §§301 & 302.3.

[County Rule 210 §§301.2a, 301.4a, b, c, d, h & 302.3]

- 2) The Permittee shall file all permit applications in the manner and form prescribed by the Control Officer. To apply for a permit renewal, the Permittee shall complete the "Standard Permit Application Form" and shall supply all information, including the information required by the "Filing Instructions" as shown in Appendix B of the County Rules, which is necessary to enable the Control Officer to make the determination to grant or to deny a permit which shall contain such terms and conditions as the Control Officer deems necessary to assure a source's compliance with the requirements of the CAA, ARS and County Rules.

[County Rule 200 §§308 & 309] [County Rule 210 §301.1]

- 3) The Control Officer may require the Permittee to provide additional information and may set a reasonable deadline for a response.

[County Rule 210 §301.4f]

- 4) If the Permittee submits a timely and complete application for a permit renewal, but the Control Officer has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied. This protection shall cease to apply if, subsequent to the completeness determination, the Permittee fails to submit, by the deadline specified by the Control Officer, any additional information identified as being needed to process the application.

[County Rule 200 §403.2] [County Rule 210 §§301.4f & 301.9]

G. REVISION / REOPENING / REVOCATION:

- 1) This permit shall be reopened and revised to incorporate additional applicable requirements adopted by the Administrator pursuant to the CAA that become applicable to the facility if this permit has a remaining permit term of three or more years. No such reopening is required if the effective date of the requirement is later than the date on which this Permit is due to expire unless the original permit or any of its terms have been extended pursuant to Rule 200 §403.2.

[County Rules 200 §402.1]

Any permit revision required pursuant to this Permit Condition, 14.G.1, shall reopen the entire permit and shall comply with provisions in County Rule 200 for permit renewal (*Note: this includes a facility wide application and public comment on the entire permit*) and shall reset the five year permit term.

[County Rules 200 §402.1a(1) & 210 §302.5]

- 2) This permit shall be reopened and revised under any of the following circumstances:
  - a) Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Title V permit.
  - b) The Control Officer or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - c) The Control Officer or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

Proceedings to reopen and issue a permit under this Permit Condition, 14.G.2, shall follow the same procedures as apply to initial permit issuance and shall effect only those parts of the Permit for which cause to reopen exists.

[County Rule 200 §402.1]

- 3) This permit shall be reopened by the Control Officer and any permit shall be revised, when it is determined that standards or conditions in the permit are based on incorrect information provided by the applicant.

[County Rule 210 §407.3]

- 4) This Permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Permit revision, revocation and reissuance, or termination or of a notification of planned changes or anticipated noncompliance does not stay any Permit Condition.

[County Rule 210 §302.1h(3)]

H. REVISION PURSUANT TO A FEDERAL HAZARDOUS AIR POLLUTANT STANDARD: [County Rule 210 §301.2c] [locally enforceable only]

If the Permittee becomes subject to a standard promulgated by the Administrator pursuant to Section 112(d) of the CAA, the Permittee shall, within 12 months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.

I. REQUIREMENTS FOR A PERMIT:

- 1) Air Quality Permit: Except as noted pursuant to the provisions in Sections 403 and 405 of County Rule 210, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued pursuant to County Rule 210. Permit expiration terminates the Permittee's right to operate. However, if a source submits a timely and complete application, as defined in County Rule 210 §301, for permit issuance, revision, or renewal, the source's failure to have a permit is not a violation of the County Rules until the Control Officer takes final action on the application. The Source's ability to operate without a permit as set forth in this paragraph shall be in effect from the date the application is determined to be complete until the final permit is issued. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the Control Officer, any additional information identified as being needed to process the application. If a source submits a timely and complete application for a permit renewal, but the Control Officer has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the permit renewal has been issued or denied.

[County Rule 210 §301.9]

- 2) Earthmoving Permit:  
*(NOTE: If the Permittee engages in or allows any routine dust generating activities at the facility, the Permittee shall apply to have the routine dust generating activity covered as part of this Permit. Nonroutine activities, such as construction and revegetation, require a separate Earthmoving Permit that must be obtained from the Control Officer before the activity may begin.)*

No person shall commence any earth moving operation or any dust generating operation without meeting the requirements of and obtaining any and all Earth Moving Equipment Permits and Permits to Operate required by County Rule 200. The provisions of this section shall not apply:

- a) During emergency, life threatening situations or in conjunction with any officially declared disaster or state of emergency;
- b) To operations conducted by essential service utilities to provide electricity, natural gas, oil and gas transmission, cable television, telephone, water, and sewerage during service outages and emergency disruptions;

- c) To non-routine or emergency maintenance of flood control channels and water retention basins.
- d) To vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality and/or commercial acceptance. Such facilities and operations shall be exempted from the provisions of this section only if such testing is not feasible within enclosed facilities.

[County Rule 310 §302] [SIP Rule 310 §302]

The Permittee shall not cause, commence, suffer, allow, or engage in any earthmoving operation that disturbs a total surface area of 0.10 acre or more without first obtaining a permit from the Control Officer. Permits shall not be required for earthmoving operations for emergency repair of utilities, paved roads, unpaved roads, shoulders, and/or alleys.

[County Rule 200 §305]

- 3) Burn Permit: The Permittee shall obtain a Permit To Burn from the Control Officer before conducting any open outdoor fire except for the activities listed in County Rule 314 §§302.1 and 302.2.

[County Rule 314] [County Rule 200 §306] [SIP Rule 314]

J. RIGHTS AND PRIVILEGES: [County Rule 210 §302.1h (4)]

This Permit does not convey any property rights nor exclusive privilege of any sort.

K. SEVERABILITY: [County Rule 210 §302.1g]

The provisions of this Permit are severable, and, if any provision of this Permit is held invalid, the remainder of this Permit shall not be affected thereby.

L. SCOPE:

The issuance of any permit or permit revision shall not relieve the Permittee from compliance with any Federal laws, Arizona laws, or the County or SIP Rules, nor does any other law, regulation or permit relieve the Permittee from obtaining a permit or permit revision required under the County Rules.

[County Rule 200 §308] [SIP Rule 22H]

Nothing in this permit shall alter or affect the following:

- 1) The provisions of Section 303 of the Act, including the authority of the Administrator pursuant to that section.
- 2) The liability of the Permittee for any violation of applicable requirements prior to or at the time of permit issuance.
- 3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Act.
- 4) The ability of the Administrator of the USEPA or of the Control Officer to obtain information from the Permittee pursuant to Section 114 of the Act, or any provision of State law.
- 5) The authority of the Control Officer to require compliance with new applicable requirements adopted after the permit is issued. [locally enforceable only]

[County Rule 210 §407.2]

M. TERM OF PERMIT: [County Rule 210 §§302.1a & 402]  
This Permit shall remain in effect for no more than 5 years from the date of issuance.

N. TRANSFER: [County Rule 200 §404]  
Except as provided in ARS 49-429 and County Rule 200, this permit may be transferred to another person if the Permittee gives notice to the Control Officer in writing at least 30 days before the proposed transfer and complies with the permit transfer requirements of County Rule 200 and the administrative permit amendment procedures pursuant to County Rule 210.

**15. RECORDKEEPING:**

A. RECORDS REQUIRED: [County Rule 100 §501] [County Rule 310 §502] [SIP Rule 40 A]  
The Permittee shall maintain records of all emissions testing and monitoring, records detailing all malfunctions which may cause any applicable emission limitation to be exceeded, records detailing the implementation of approved control plans and compliance schedules, records required as a condition of any permit, records of materials used or produced, and any other records relating to the emission of air contaminants which may be requested by the Control Officer.

B. RETENTION OF RECORDS:  
Unless a longer time frame is specified by the Rules or these Permit Conditions, the Permittee shall retain information and records required by either the Control Officer or these Permit Conditions as well as copies of summarizing reports recorded by the Permittee and submitted to the Control Officer for 5 years after the date on which the pertinent report is submitted.

[County Rule 100 §504] [SIP Rule 40 C]

The Permittee shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings or physical records for continuous monitoring instrumentation, and copies of all reports required by the permit.

[County Rule 210 §§302.1d(2) and 305.1b(2)]

C. MONITORING RECORDS: [County Rule 210 §§302.1d(1) & 305.1b(1)]  
Records of any monitoring required by this Permit shall include the following:  
1) The date, place as defined in the permit, and time of sampling or measurements;  
2) The date(s) analyses were performed;  
3) The company or entity that performed the analyses;  
4) The analytical techniques or methods used;  
5) The results of such analyses; and  
6) The operating conditions as existing at the time of sampling or measurement.

D. RIGHT OF INSPECTION OF RECORDS: [County Rule 100 §106] [SIP Rule 40 D]  
When the Control Officer has reasonable cause to believe that the Permittee has violated or is in violation of any provision of County Rule 100 or any County Rule adopted under County Rule 100, or any requirement of this permit, the Control Officer

may request, in writing, that the Permittee produce all existing books, records, and other documents evidencing tests, inspections, or studies which may reasonably relate to compliance or noncompliance with County Rules adopted under County Rule 100. No person shall fail nor refuse to produce all existing documents required in such written request by the Control Officer.

**16. REPORTING:**

*NOTE: See the Permit Condition titled Certification Of Truth, Accuracy and Completeness in conjunction with reporting requirements.*

**A. ANNUAL EMISSION INVENTORY REPORT:**

[County Rule 100 §505] [SIP Rule 40 B]

Upon request of the Control Officer and as directed by the Control Officer, the Permittee shall complete and shall submit to the Control Officer an annual emissions inventory report. The report is due by April 30, or 90 days after the Control Officer makes the inventory form(s) available, whichever occurs later.

The annual emissions inventory report shall be in the format provided by the Control Officer.

The Control Officer may require submittal of supplemental emissions inventory information forms for air contaminants under ARS §49-476.01, ARS §49-480.03 and ARS §49-480.04.

**B. DATA REPORTING:**

[County Rule 100 §502]

When requested by the Control Officer, the Permittee shall furnish to the Maricopa County Air Quality Division (Division hereafter) information to locate and classify air contaminant sources according to type, level, duration, frequency, and other characteristics of emissions and such other information as may be necessary. This information shall be sufficient to evaluate the effect on air quality and compliance with the County or SIP Rules. The Permittee may subsequently be required to submit annually, or at such intervals specified by the Control Officer, reports detailing any changes in the nature of the source since the previous report and the total annual quantities of materials used or air contaminants emitted.

**C. DEVIATION REPORTING:**

[County Rule 210 §§302.1e & 305.1c]

The Permittee shall promptly report deviations from permit requirements, including those attributable to upset conditions. Unless specified otherwise elsewhere in these Permit Conditions, an upset for the purposes of this Permit Condition shall be defined as the operation of any process, equipment or air pollution control device outside of either its normal design criteria or operating conditions specified in this Permit and which results in an exceedance of any applicable emission limitation or standard. The Permittee shall submit the report to the Control Officer by certified mail, facsimile, or hand delivery within 2 working days from knowledge of the deviation. The report shall contain a description of the probable cause of such deviations and any corrective actions or preventive measures taken. In addition, the Permittee shall report within a reasonable time of any long-term corrective actions or preventative actions taken as the result of any deviations from permit requirements.

All instances of deviations from the requirements of this Permit shall also be clearly identified in the semiannual monitoring reports required in the Specific Condition section of these Permit Conditions.

D. EMERGENCY REPORTING: [County Rule 130 §402.4]

*(NOTE: Emergency Reporting is one of the special requirements which must be met by a Permittee wishing to claim an affirmative defense under the emergency provisions of County Rule 130. These provisions are listed earlier in these General Conditions in the section titled "Emergency Provisions". Since it is a form of deviation reporting, the filing of an emergency report also satisfies the requirement of County Rule 210 to file a deviation report.)*

The Permittee shall, as soon as possible, telephone the Control Officer giving notice of the emergency, and submitted notice of the emergency to the Control Officer by certified mail, facsimile, or hand delivery within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.

E. EMISSION STATEMENTS REQUIRED AS STATED IN THE ACT:

[County Rule 100 §503]

Upon request of the Control Officer and as directed by the Control Officer, the Permittee shall provide the Control Officer with an emission statement, in such form as the Control Officer prescribes, showing measured actual emissions or estimated actual emissions of NO<sub>x</sub> and volatile organic compounds (VOC) from that source. At a minimum, the emission statement shall contain all information contained in the "Guidance on Emission Statements" document as described in the USEPA's Aerometric Information Retrieval System (AIRS) Fixed Format Report (AFP 644). The statement shall contain emissions for the time period specified by the Control Officer. Statements shall be submitted annually.

F. EXCESS EMISSIONS REPORTING:

[County Rule 140 §500] [locally enforceable only]

*(NOTE: This reporting subsection is associated with the requirements listed earlier in these General Conditions in the section titled "Excess Emissions".)*

1) Excess emissions shall be reported as follows:

- a) The Permittee shall report to the Control Officer any emissions in excess of the limits established either by the Rules or these Permit Conditions. The report shall be in two parts as specified below:
  - (1) Notification by telephone or facsimile within 24 hours of the time when the owner or operator first learned of the occurrence of excess emissions including all available information from paragraph F. 1) b) below of this Permit Condition.
  - (2) Excess emissions report containing all the information described in paragraph F. 1) b) below of this Permit Condition within 72 hours of the telephone notification pursuant to paragraph F. 1) a) (1) above of this Permit Condition.
- b) The excess emissions report shall contain the following information:
  - (1) The identity of each stack or other emission point where the excess emissions occurred.

- (2) The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions.
  - (3) The time and duration or expected duration of the excess emissions.
  - (4) The identity of the equipment from which the excess emissions emanated.
  - (5) The nature and cause of such emissions.
  - (6) The steps taken, if the excess emissions were the result of a malfunction, to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction.
  - (7) The steps that were or are being taken to limit the excess emissions. If this Permit contains procedures governing source operation during periods of startup or malfunction and the excess emissions resulted from startup or malfunction, the report shall contain a list of the steps taken to comply with the Permit procedures.
- 2) In the case of continuous or recurring excess emissions, the notification requirements of this section shall be satisfied if the Permittee provides the required notification after excess emissions are first detected and includes in such notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the nature of the emissions as originally reported shall require additional notification that meets the criteria of Section F. 1) of this Permit Condition.

**G. OTHER REPORTING:**

[County Rule 210 §302.1h(5)]

The Permittee shall furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for revising, revoking and reissuing this permit, or terminating this permit, or to determine compliance with this permit. Upon request, the Permittee shall also furnish to the Control Officer copies of records required to be kept by this Permit. For information claimed to be confidential, the Permittee shall furnish a copy of such records directly to the Administrator along with a claim of confidentiality as covered elsewhere in these Permit Conditions.

**17. RIGHT TO ENTRY AND INSPECTION OF PREMISES:**

[County Rule 100 §105] [County Rule 210 §305.1f] [SIP Rule 43]

The Control Officer, during reasonable hours, for the purpose of enforcing and administering County Rules or any provision of ARS relating to the emission or control prescribed pursuant thereto, may enter every building, premises, or other place, except the interior of structures used as private residences. Every person is guilty of a petty offense under ARS §49-488 who in any way denies, obstructs or hampers such entrance or inspection that is lawfully authorized by warrant.

The Permittee shall allow the Control Officer or his authorized representative, upon presentation of proper credentials and other documents as may be required by law, to:

- A. Enter upon the Permittee's premises where a source is located or emissions-related activity is conducted, or where records are required to be kept pursuant to the conditions of the permit;
- B. Have access to and copy, at reasonable times, any records that are required to be kept pursuant to the conditions of the permit;

- C. Inspect, at reasonable times, any sources, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required pursuant to this permit;
- D. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and
- E. To record any inspection by use of written, electronic, magnetic, and photographic media.

[Locally enforceable only]